



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/427,070	04/24/1995	ROBERT J. DICKINSON	PKR-2-363-4	3396
<div>7590 05/12/2009</div> <div>THOMAS E KOCOVSKY JR FAY SHARPE BEALL FAGAN MINNICH AND MCKEE 1100 SUPERIOR AVENUE SUITE 700 CLEVELAND, OH 44114</div>				
EXAMINER				
CWERN, JONATHAN				
ART UNIT		PAPER NUMBER		
3737				
MAIL DATE		DELIVERY MODE		
05/12/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

08/427,070

Applicant(s)

DICKINSON ET AL.

Examiner

Jonathan G. Cwern

Art Unit

3737

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 is/are allowed.
- 6) ☒ Claim(s) 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 1998 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Oath/Declaration

In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.

Claims 18-22 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251. See 37 CFR 1.175. The nature of the defect is set forth above.

Receipt of an appropriate supplemental oath/declaration under 37 CFR 1.175(b)(1) will overcome this rejection under 35 U.S.C. 251. An example of acceptable language to be used in the supplemental oath/declaration is as follows:

"Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant."

See MPEP § 1414.01.

Drawings

The drawings were received on 10/26/98. These drawings are not acceptable. Amended Figures 1 and 3 must be identified by placing the word "Amended" at the bottom of the figure.

Claim Objections

Claims 18-22 are objected to because of the following informalities: The amendment submitted 7/9/01 failed to include a complete listing of all the claims with status identifier. In addition, the applicant must point out where is the support for the newly amended original claims 1-13 and added claims 18-22.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufman (4829252) in view of Rice (US 4681308) or Scheininger et al. (US 3751028).

Kaufman shows an open magnet arrangement in which a movable bed has a position extending over a lower pole of the magnet allowing adjacent access to the patient and a position outside of the magnet away from the field (column 4, lines 1-67

and Figures). Kaufman fails to show that the patient support is rotatable in a horizontal plane.

Rice discloses a diagnostic patient support apparatus. Rice teaches that the table top structure can be rotatably mounted on the base for rotation therearound (column 2, lines 20-30 and Figures).

Scheininger et al. disclose a supporting table for patients. Scheininger et al. teach that the table plate can be rotated about a vertical axis (column 1, lines 50-60 and Figures).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the device of Kaufman to allow the patient support to rotate in a horizontal plane as taught by Rice or Scheininger et al. This provides many benefits including allowing greater ease of access to the patient, and greater control over movement of the patient in relation to the scanner.

Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsutani (4875485) in view of Rice (US 4681308) or Scheininger et al. (US 3751028).

Matsutani shows an open MR system allowing patient access and having upper and lower poles that are movable and a patient bed that is also movable where the patient is placed over the lower pole of the magnet (column 3, lines 5-45 and Figures). Matsutani does not specifically teach moving the patient wholly outside the upper and lower poles and that the patient support is rotatable in a horizontal plane.

Given the variability of movement of the patient bed and the upper and lower poles of the magnet, movement of the patient wholly outside of the range of the upper and lower poles to allow the patient to be placed on the bed before moving the patient into the field of the magnets may be done as a matter of design choice and according to the desired application.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to move the patient in the system of Matsutani into and wholly outside of the field of the magnets as a matter of design choice.

Rice discloses a diagnostic patient support apparatus. Rice teaches that the table top structure can be rotatably mounted on the base for rotation theraround (column 2, lines 20-30 and Figures).

Scheininger et al. disclose a supporting table for patients. Scheininger et al. teach that the table plate can be rotated about a vertical axis (column 1, lines 50-60 and Figures).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the device of Matsutani to allow the patient support to rotate in a horizontal plane as taught by Rice or Scheininger et al. This provides many benefits including allowing greater ease of access to the patient, and greater control over movement of the patient in relation to the scanner.

Allowable Subject Matter

Claims 1-13 are allowed over the prior art of record.

Response to Arguments

Applicant's arguments with respect to claims 18-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Cwern whose telephone number is (571)270-1560. The examiner can normally be reached on Monday through Friday 9:30AM - 6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jonathan G Cwern/
Examiner, Art Unit 3737

/BRIAN CASLER/
Supervisory Patent Examiner, Art
Unit 3737